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DEPUTY CLERK

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S  
MOTION *IN LIMINE* TO PRECLUDE  
POLICE OFFICERS FROM TESTIFYING  
AS EXPERTS

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its Response to Defendant's Motion *in Limine* to Preclude Police Officers from Testifying as Experts. None of the law enforcement officers listed in Defendant's motion has been listed as an expert witness and the State does not intend to elicit expert testimony from any of them, however, the State will seek "opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue" from all lay witnesses as allowed by *Ariz. R. Evid.*, Rule 701.

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1 RESPECTFULLY SUBMITTED this 4th day of January, 2010.

2  
3 Sheila Sullivan Polk  
4 YAVAPAI COUNTY ATTORNEY

5 By: Dennis M. M. Zane  
6 for Joseph C. Butner  
7 Deputy County Attorney

8  
9 COPIES of the foregoing delivered this  
10 4th day of January, 2010 to:

11 Honorable Thomas J. Lindberg  
12 Division 6  
13 Yavapai County Superior Court  
14 (via email)

15 John Sears  
16 107 North Cortez Street, Suite 104  
17 Prescott, AZ 86301  
18 Attorney for Defendant  
19 (via email)

20 Larry Hammond  
21 Anne Chapman  
22 Osborn Maledon, P.A.  
23 2929 North Central Ave, 21<sup>st</sup> Floor  
24 Phoenix, AZ  
25 Attorney for Defendant  
26 (via email)

By: Deb Couell

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